BEFORE THE

Supreme Court of the United States

OCTOBER TERM, 1943

No. ——

ESTATE OF JOHN W. HERBERT, Deceased, CENTRAL HANOVER BANK AND TRUST COMPANY, ET AL., Executors,
Petitioners,

v.

COMMISSIONER OF INTERNAL REVENUE, *Respondent.*

MOTION AS TO RECORD.

To the Honorable, the Chief Justice and Associate Justices:

Petitioners move that their Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit may be considered upon the Appendix to the Brief of the petitioners filed in this cause in said Circuit Court of Appeals, and upon the Proceedings and Opinion in that Court, and for reasons therefor respectfully show:

1. The Appendix to said brief contains all pertinent facts and prior proceedings.

2. Certified copy of said Appendix, and of said Proceedings and Opinion, have been lodged with the Clerk of this Court, along with ten plain copies of said Appendix and said Opinion.

3. No reference is made in their Petition to any portion of the record not contained in said Appendix or the said Proceedings and Opinion.

4. If the Writ of Certiorari prayed for in the Petition is granted, petitioners will promptly supply the requisite additional printed copies of said Appendix and of said Proceedings and Opinion.

Respectfully submitteed,

RAYMOND F. GARRITY,
Attorney for the Petitioners.

WALTER R. SCHOENBERG,
Of Counsel.